

**-HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY-**

# **Exhibit 304**

**FILED UNDER SEAL**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SPECTRUM DYNAMICS MEDICAL LIMITED,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY, GE  
HEALTHCARE, INC., GE MEDICAL SYSTEMS  
ISRAEL LTD., JEAN-PAUL BOUHNICK,  
SERGIO STEINFELD, ARIE ESCHO, NATHAN  
HERMONY, and YARON HEFETZ,

Defendants.

Case No.: 18-cv-11386 (VSB)

**DECLARATION OF RIYAD MAHAMEED IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTION**

I, Riyad Mahameed, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over eighteen years of age, competent to testify to the matters stated herein, and state the following based on my personal knowledge, information, and belief.

2. I am an employee of Defendant GE Healthcare, Inc. and currently serve as Chief Engineer. I submit this declaration in support of Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction.

**Background at GE**

3. From 1985 to 2000, I was employed at Elscint. In 2000, GE acquired Elscint, and I became an employee of GE.

4. During my time at GE, I have worked on software and system solutions to facilitate the integration of hybrid devices using nuclear medicine and computer tomography (CT). GE has been developing such hybrid devices for many years, including SPECT/CT devices using cadmium zinc telluride ("CZT") detectors.

### **The Due Diligence with Spectrum Dynamics Limited**

5. Beginning in 2009, GE determined to continue developing its CZT-based line of SPECT cameras and to work towards development of a general purpose camera (GPC). By 2009, GE had already released the CZT 530 and CZT 570c devices which were dedicated to cardiac, [REDACTED]. (See Ex. 54 at GE\_SDM\_00203618-21; *see also* Ex. 315 at GE\_SDM\_00362129.)

6. Around this time, I was serving as an engineering manager in GE's Engineering and Technology group. My responsibilities included creating development plans and budgets, a process that involved understanding and outlining development goals, establishing milestone goals, and estimating the investment needed to progress the development plan.

7. [REDACTED]  
(See Ex. 43.) [REDACTED]  
[REDACTED]  
[REDACTED] (*Id.* at GE\_SDM\_00386681.) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] (Ex. 325.)

8. Consistent with the team's decision, GE re-initiated discussions with Spectrum, following on from prior negotiations between GE and Spectrum concerning a potential acquisition related to Spectrum's cardiac device, D-SPECT. (See Ex. 43.) [REDACTED]  
[REDACTED] To permit the parties to exchange detailed technical information and fully vet the opportunity,

Defendant GE Healthcare, Inc. entered into a Mutual Confidentiality and Non-Use Agreement (the “2009 Agreement”) with Spectrum Dynamics Limited on September 16, 2009. (*See* Ex. 8.)

9. The due diligence process lasted from September 2009 through 2010 before stalling for a period. The due diligence resumed again in late 2011. Throughout these periods, and as a member of GE’s Engineering and Technology group, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In this role, I participated in communications with Spectrum’s representatives, including Nathaniel Roth, Yoel Zilberstien, and Gilad Yoeli.

10. In the due diligence, [REDACTED]

[REDACTED]

[REDACTED] This was done by many different people at GE, including Floris Jansen, Jean-Paul Bouhnik, and Arie Eshco.

11. Spectrum’s GPC camera concept evolved over the course of the due diligence period in terms of overall design.

12. For example, during the earlier due diligence period from September 2009 through 2010, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. As part of GE's due diligence, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (See Ex. 69.)

14. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. In the discussions with Spectrum, it was clear that Spectrum had not arrived at any other collimator solution to address these concerns.

15. Eventually, [REDACTED]

[REDACTED] This topic, however, was never discussed with Spectrum. During all the due diligence meetings I attended and the emails that I exchanged with Spectrum, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16. As the due diligence progressed and [REDACTED]

[REDACTED]  
[REDACTED] This was particularly the case because the mechanical design for the [REDACTED] [REDACTED] – was already known to GE even before the due diligence began in September 2009. GE’s business leaders wanted to convey this point as part of the negotiations.

17. One point that GE wanted to convey was that it already possessed a patent and other intellectual property that described the mechanical features of Spectrum’s [REDACTED]. In 2006, GE had filed a patent application that ultimately led to the issuance of U.S. Patent No. 7,592,597 (the “’597 Patent”), which published in February 2008 and formally issued on September 22, 2009. (*See* Ex. 314.)

18. The ’597 Patent describes the mechanics and overall design concept that Spectrum presented to GE during the due diligence as its [REDACTED]. The ’597 Patent describes a nuclear medicine camera system “to efficiently imag[e] structures of interest with multiple imaging detectors having small fields of view.” (*See id.* at 1:7-10.) According to the ’597 Patent, the system could have “a plurality of small imaging detectors mounted on a gantry,” and this meant “two, three or more than four imaging detectors may be used.” (*Id.* at 2:61-65.)

19. The ’597 Patent describes the imaging detectors as “independently movable with respect to each other” and [REDACTED]  
[REDACTED] “The radius controller 164 may move each of the first through N imaging detectors 102-108 closer to and further from a surface of the patient 142, and the pivot controller 118 may move the first through N imaging detectors 102-108 axially with respect to the patient 142.” (*Id.* at 1:50-52; *see also id.* at 4:43-47.)

20. The '597 Patent also disclosed [REDACTED] "The gantry 110 may also be configured in other shapes, such as a 'C' and 'L', for example, and may be rotatable about the patient 142. For example, the gantry 110 may be formed as a closed ring or circle." (*Id.* at 3:25-28.)

21. The '597 Patent further describes [REDACTED]: "For example, each of the first through N imaging detectors 102-108 may be 8x8 cm in size and be composed of a plurality of CZT pixilated modules (not shown). For example, each module may be 4x4 cm in size and have 16x16–256 pixels." (*Id.* at 3:6-10.)

22. We decided that Arie Eshco and I would discuss the '597 patent with Spectrum as it related to the overall price that Spectrum had put on its [REDACTED] during the negotiations with GE. We wanted to convey that, from GE's perspective, a [REDACTED] was something that GE already had the capability to develop. The goal of acquiring Spectrum was to work with Spectrum and leverage the synergy of having both GE and Spectrum working towards developing a feasible [REDACTED] that could be brought to market more quickly. We understood, based on the '597 patent and other technology, that GE could work on and develop a [REDACTED] system independently, it would just take longer. We wanted to convey this to Spectrum to convince them to move down from the high price we understood that they were seeking.

23. Mr. Eshco and I arranged to have an informal discussion with Spectrum to go over these issues. I recall that we met with Yoel Zilberstien and Gilad Yoeli at the Greg café in Haifa in a mall located near GE's offices.

24. During the meeting, Arie and I explained that GE's '597 patent described all of the mechanical designs involved in Spectrum's [REDACTED]. It included a [REDACTED]  
[REDACTED]. I recall stating that we did not see

anything in Spectrum's [REDACTED] that prevented GE from pursuing a GPC concept on its own, that the '597 patent appeared to cover the [REDACTED], and that the goal of working together was to shorten the time to market. I do not recall a specific reaction from Spectrum, but I do not believe that they changed their position and ultimately the due diligence ended without a deal between GE and Spectrum.

### **StarGuide's Introduction to the Market**

25. I was involved in the development of GE's StarGuide device. As part of that process, we created a development plan with budgets and milestone goals for different significant events, including building prototypes, clinical evaluations, marketing, and sales. [REDACTED]

[REDACTED]

[REDACTED]

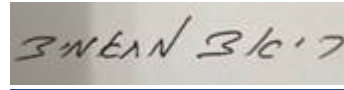
26. Around February 2021, StarGuide [REDACTED] [REDACTED] began to be commercially marketed to potential customers and customer orders were solicited.

27. Beginning in October 2021, StarGuide [REDACTED] [REDACTED] customer orders for the device began to be fulfilled with shipments of the device. My understanding is that, as of the date of this declaration, [REDACTED] [REDACTED] customer orders of StarGuide and those will soon begin shipping. GE has competed directly with Spectrum for customer orders and I understand that, when that has occurred, Spectrum was successful at least half of the time and received the customer order instead of GE.



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: October 26, 2021.

A rectangular box containing a handwritten signature in dark ink. The signature appears to be "RYADIAN 3/10/21" written in a cursive, slightly slanted style.

Riyad Mahameed

**Declaration of Riyad Mahameed: Appendix A****Index of Exhibits**

<b>Exhibit Number</b>	<b>Description</b>
8	Amended and Restated Mutual Confidentiality and Non-Use Agreement dated September 16, 2009 between Spectrum Dynamics Limited and GE Healthcare, Inc. (SDML_00032512-17). (HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY)
43	Email dated July 6, 2009 from Riyad Mahameed to Lana Volokh and Jean-Paul Bouhnik (containing in the chain an email dated July 6, 2009 from Riyad Mahameed (GE Healthcare) to Alexander Ganin (GE Healthcare) FW: next term GRC priorities) (GE_SDM_00386680-82). (HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY)
54	Email dated August 27, 2009 from Riyad Mahameed (GE Healthcare) to Kristen A Wangerin (GE Research), Alexander Ganin (GE Healthcare), Floris P Jansen (GE Research), Ravindra Manjeshwar (GE Healthcare), Nathan Hermony (GE Healthcare), Osnat Zak (GE Healthcare) and Jean-Paul Bouhnik (GE Healthcare) RE: CEORReview_Sept8_v7_without_YDupdates.ppt including an attachment/NUC SII 2009 PowerPoint presentation (GE_SDM_00203614-22). (HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY)
69	Email dated September 20, 2010 from Floris P Jansen (GE Global Research) to Yoel Zilberstien, Alexander Ganin (GE Healthcare), Ravindra Manjeshwar (GE Global Research), Jean-Paul Bouhnik (GE Healthcare), Riyad Mahameed (GE Healthcare), Suchi Varandani (GE Healthcare), and Nathan Hermony (GE Healthcare) RE: GPC Simulation (GE_SDM_00005088-92). (CONFIDENTIAL)
314	U.S. Patent No. 7,592,597 to Hefetz et al. (GE_SDM_00570315 - GE_SDM_00570327).
315	PowerPoint titled "GEMS_Company Presentation_OCS_12-03-19 - JP.pptx" (GE_SDM_00362118 - GE_SDM_00362224). (HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY)
325	Email dated June 17, 2009 from Ira Bleviss to Riyad Mahameed, Jean-Paul Bouhnik, and Jonathan Sachs RE: summary: GP-czt (GE_SDM_00286902 - GE_SDM_00286902). (HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY)